

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00610

**Benjamin Stacey,**  
*Plaintiff,*

v.

**Debra Dianna Daily,**  
*Defendant.*


**ORDER**

Plaintiff Benjamin Stacey filed the above-styled lawsuit pursuant to 42 U.S.C. §§ 1983 and 1988. Doc. 1. This case was subsequently referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 3.

On January 8, 2021, the magistrate judge instructed plaintiff to show cause for his failure to timely effect service of process. Doc. 4. Plaintiff failed to do so. On January 22, 2021, the magistrate judge entered a report recommending that the court dismiss this case without prejudice for failure to timely effect service of process and failure to obey a court order. Doc. 5. No objections were filed.

When no party objects to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. This case is dismissed without prejudice for failure to timely effect service of process and for failure to comply with a court order.

*So ordered by the court on July 22, 2021.*

  
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J. CAMPBELL BARKER  
United States District Judge